



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

AUG 15 2012

David I. Courcelle, Esq.
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Executive Tower, Suite 185
3500 North Causeway Blvd
Metairie, LA 70002

RE: MUR 6623
William A. Bennett

Dear Mr. Courcelle:

In the normal course of carrying out its supervisory responsibilities, the Federal Election Commission (the "Commission") became aware of information suggesting William A. Bennett may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). In a letter dated January 6, 2012, Mr. Bennett was notified that this matter had come to the attention of the Commission's Office of General Counsel for possible enforcement action under 2 U.S.C. § 437g. On July 31, 2012, the Commission found reason to believe that Mr. Bennett violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f. Enclosed is the Factual and Legal Analysis that sets forth the basis for the Commission's determination.

In order to expedite the resolution of this matter, the Commission has authorized the Office of the General Counsel to enter into negotiations directed towards reaching a conciliation agreement in settlement of this matter prior to a determination by the Commission as to whether there is probable cause to believe that Mr. Bennett violated the Act. Pre-probable cause conciliation is not mandated by the Act or the Commission's regulations, but is a voluntary step in the enforcement process that the Commission is offering to Mr. Bennett as a way to resolve this matter at an early stage.

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Please note that Mr. Bennett has a legal obligation to preserve all documents, records, and materials relating to this matter until notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

We look forward to your response.

On behalf of the Commission,



Caroline C. Hunter
Chair

Enclosures
Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: William A. Bennett

MUR 6623

I. GENERATION OF THE MATTER

This matter was generated based on information ascertained by the Federal Election Commission ("Commission") in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2).

II. FACTUAL AND LEGAL ANALYSIS

A. Factual Summary

Information available to the Commission indicates that Scalise for Congress ("Committee"), the principal campaign committee of Representative Stephen Scalise, who was the successful 2008 candidate for the First Congressional District of Louisiana, had received contributions in 2007 from William A. Bennett that reportedly had been made in the names of Melanie Detloff, Julie Ott and James Wyckoff for \$2,300 each. The contributions in issue relate to the March 8, 2008, Louisiana Republican special primary election. On its 2007 Year-End Report, the Committee identified Bennett, who also contributed \$2,300 on the same date as the others, as a Benetech executive and contributor Wyckoff as the owner of United Properties Development in New Jersey. There are no employers listed for contributors Ott and Detloff. According to public sources, Benetech is a limited liability company headquartered in New Orleans for which Bennett reportedly serves as President and Julie Ott as Chief Administrative Officer. *See* BENETECH, <http://www.gobenetech.com/about/> (last visited June 19, 2012). Publicly available state marriage and Commission records reflect that Melanie Detloff was formerly Bennett's spouse. *See* ANCESTRY.COM,

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<http://search.ancestry.com/search/db.aspx?dbid=1100> (Nevada Marriage Index, 1956-2005)

(reporting marriage between Melanie R. Detloff and William A. Bennett on July 24, 2004);

Romney for President, Inc., April 15 Quarterly Report at 344 (Apr. 13, 2007) (reattributing

\$2,100 of contribution from William Bennett to his spouse, Melanie Bennett).

On June 21, 2011, after consulting with the Reports Analysis Division, the Committee filed a Form 99, which informed the Commission that:

On December 19, 2007, the Scalise for Congress campaign received four checks as part of a fundraising event. These checks were in the amounts of \$2,300 each from William Bennett, Julie Ott, James Wyckoff and Melanie Detloff. On June 15, 2011, the campaign was notified by a donor, William Bennett, that he reimbursed the other three individuals named above for their respective contributions to the Scalise for Congress campaign. Before this notification on June 15, 2011, the campaign never had any information that would have led to question the validity of the checks. The checks in question were reported on the FEC report filed for the fourth quarter 2007.

The Committee further explained that it would disgorge all four of the contributions, totaling \$9,200, to the U.S. Treasury. The Committee did so on June 21, 2011. See Scalise for Congress, July 15 Quarterly Report at 96 (July 14, 2011).

Information available to the Commission indicates that Bennett asked each of the individuals who made these contributions, to write checks in the amount of \$2,300 made payable to the Committee, and that Bennett had stated that he was at the maximum individual contribution limit and needed them to contribute. Bennett reportedly further stated that he would reimburse each of them for the contribution.

In his Response, submitted through counsel, Bennett admits the violation. Specifically, the Response explains that the "issue came to light as a result of Mr. Bennett

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contacting [the Committee] and informing them that he had reimbursed certain individuals for contributions made to the Committee." Bennett Resp. He states he provided that information "immediately upon learning that he may have violated the Federal Election Campaign Act." *Id.* He further states that he "accepts responsibility for his actions and wants to resolve this matter amicably and as expeditiously as possible. His position is one of remorse and wants to cooperate fully to get this matter resolved." *Id.*

B. Legal Analysis

The Federal Election Campaign Act of 1971, as amended (the "Act"), provides that no person shall make a contribution in the name of another person. 2 U.S.C. § 441f. During the 2008 election cycle, the Act limited the amount a person could contribute to a candidate for federal office or the candidate's authorized political committee to \$2,300 per election. 2 U.S.C. § 441a(a)(1)(A).

Based on the available information, Bennett reimbursed the three conduit respondents for contributions to the Committee for the March 8, 2008 Louisiana Republican special primary election, constituting three separate violations of 2 U.S.C. § 441f. In addition, since Bennett himself made a \$2,300 contribution to the Committee for the same election, when that contribution is aggregated with the amounts he contributed in the names of others, he exceeded the applicable contribution limits by \$6,900 for that election, a violation of 2 U.S.C. § 441a(a)(1)(A). Therefore, there is reason to believe William A. Bennett violated 2 U.S.C. §§ 441a(a)(1)(A) and 441f.

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